

05-09-02

APP/1617

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DOCKET NO.: ADOL-0497

MAY 07 2002

PATENT & TRADEMARK OFFICE  
U.S.P.T.O.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Lawrence I. Kruse et al.

**Serial No.:** 09/769,450

**Group Art Unit:** 1617

**Filing Date:** January 26, 2001

**Examiner:** S. Wang

**For:** KAPPA AGONIST COMPOUNDS, PHARMACEUTICAL FORMULATIONS  
AND METHOD OF PREVENTION AND TREATMENT OF PRURITIS  
THEREWITH

**EXPRESS MAIL LABEL NO:** EL884784338US  
**DATE OF DEPOSIT:** May 7, 2002

EL884784338US

Box  NON-FEE

AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- A Preliminary Amendment.
- An Amendment Responsive to the Office Action Dated \_\_\_\_\_.
- An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- Other: Reply Under 37 CFR 1.111 to Office Action Dated January 7, 2002.
- Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37



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CFR §1.27 as:

- an Independent Inventor
  - a Small Business Concern
  - a Nonprofit Organization
- 
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
  - Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
  - An Abstract is enclosed.
  - \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
  - A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
  - An Associate Power of Attorney is enclosed.
  - Information Disclosure Statement.
    - Attached Form 1449.
    - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
  - Appended Material as follows: \_\_\_\_\_
  - Other Material as follows: \_\_\_\_\_

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### FEE CALCULATION

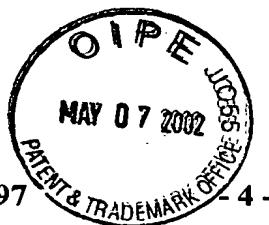
- No Additional Fee is Due.

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			SMALL ENTITY		NOT SMALL ENTITY		
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	Fee	RATE	Fee
TOTAL CLAIMS	9	20 (20 MINIMUM)	0	\$9 EACH	\$0.00	\$18 EACH	\$
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$42 EACH	\$0.00	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$0.00		\$

- A Check is Enclosed in the Foregoing Amount Due.
- Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit

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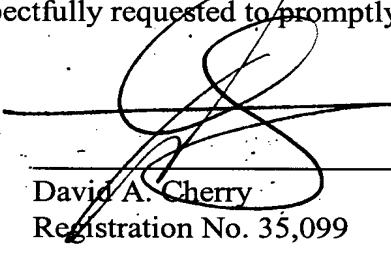
- 4 -

account 23-3050. This sheet is provided in duplicate.

- The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- The Foregoing Amount Due for Filing this Paper.
- Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 5/1/02

  
\_\_\_\_\_  
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In re patent application of:

**Lawrence I. Kruse et al.**

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Filed: **January 26, 2001**

Examiner: **S. Wang**

For:

**KAPPA AGONIST COMPOUNDS, PHARMACEUTICAL  
FORMULATIONS AND METHOD OF PREVENTION AND  
TREATMENT OF PRURITIS THEREWITH**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**REPLY UNDER 37 C.F.R. § 1.111 TO  
OFFICE ACTION DATED JANUARY 7, 2002**

In response to the Office Action mailed January 7, 2002, please amend the application, without prejudice, as follows.

**In the Claims**

*CH*  
*Sub D'*

25. (Amended) A method of treating or preventing pruritus in a mammal in need of such prevention or treatment, said method comprising administering to said mammal a non-peptide kappa opiate receptor agonist, or a pharmaceutically acceptable salt thereof, that is substantially devoid of central nervous system effects, in a pharmaceutically acceptable carrier.

Cancel Claims 26 and 33, without prejudice.